Application No.: 10/713,234 Docket No.: 388512010410

REMARKS

Applicant appreciates the indication of allowability of claims 23-25 over the art. Claims 14, 17 and 19, the independent claims, have been amended to insert the limitations of claims 23-25 (by deleting the alternative possibilities). It is understood this would place these claims in a position for allowance should the formal rejections be overcome. Claims 23-25 have therefore been canceled as redundant.

As to the formal rejections, claims 14 and 17 have been reworded as requested by the Office. It is believed that the amendments are responsive to the rejections under 35 U.S.C. § 112, paragraph 2. Should additional modification of the wording be desirable, applicant is certainly amenable to this, and a telephone call to the undersigned representative to discuss such further amendment is respectfully requested.

With respect to the rejection of unamended claims 14-17, 19, 21-22 and 26-31 as anticipated by Carayon, *et al.*, applicant does not in fact agree that these claims were anticipated. Specifically, while this document may teach the limitations of claims 26-31, the limitations of the independent claims do not appear to be taught in this document. Nevertheless, in order to expedite prosecution, and with appreciation for the recognition that claims with the limitations of claims 23-25 are allowable, applicant has inserted these limitations into the independent claims.

In light of the amendment, applicant believes that claims 14-17, 19, 21-22 and 26-31 are now in a position for allowance and passage of these claims to issue is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the

sd-250054 6

Application No.: 10/713,234 Docket No.: 388512010410

cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit**Account No. 03-1952 referencing docket No. 388512010410.

Respectfully submitted,

Dated:

July <u>31</u>, 2005

Bv

Kate H. Murashige

Registration No. 29,959

MORRISON & FOERSTER LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130-2332

Telephone: (858) 720-5112 Facsimile: (858) 720-5125

sd-250054

7